

REMARKS

Claims 1-17 are pending in the present application. Claims 11-17 are allowed. Claims 2-4 and 7-10 are objected to. Claims 1, 5, and 6 currently stand rejected. This application continues to include claims 1-17.

Applicant thanks the Examiner for the indication that claims 11-17 are allowable.

Applicant further thanks the Examiner for the indication that the objected to claims 2-4 and 7-10 include allowable subject matter, and would be allowable if rewritten in independent form. However, Applicant does not believe that amendments to claims 2-4 and 7-10 are necessary for reasons set forth below.

Claims 1, 5, and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Deschamps, et al. (4,770,555) in view of Watanabe (6,152,561). Applicant respectfully requests reconsideration in view of the following.

Claim 1 is directed to an imaging apparatus, and recites in part, “a printhead carrier system including a printhead carrier configured for movement along a scan path... and a selector device configured to select one of said *first sheet picking mechanism* and said *second sheet picking mechanism* for picking a sheet of print media based on a position of said printhead carrier.” (Emphasis added).

It is respectfully submitted that prima facie obviousness has not been established with respect to claims 1, 5 and 6, since there is no assertion that Deschamps, et al. in view of Watanabe discloses, teaches or suggests a configuration including a selector device configured to select one of said *first sheet picking mechanism* and said *second sheet picking mechanism* for picking a sheet of print media based on a position of said printhead carrier, as recited in claim 1.

Further, as set forth in MPEP 2143, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art, which is not the case here. Neither of Deschamps, et al. and Watanabe, nor their combination, discloses a selector device configured to select one of said *first sheet picking mechanism* and said *second sheet picking mechanism* for picking a sheet of print media based on a position of said printhead carrier, as recited in claim 1.

Deschamps, et al. discloses at column 4, lines 17-20 a system having an upper tray and a lower tray, wherein a particular tray is selected by the direction of rotation of the selection motor 22. No disclosure is provided in Deschamps, et al. of the use of a printhead carrier to select one of the first sheet picking mechanism and the second sheet picking mechanism, nor is there disclosure of a selector device configured to select one of the first sheet picking mechanism and the second sheet picking mechanism based on a position of the printhead carrier.

While Watanabe discloses a printhead carrier, like Deschamps, et al., no disclosure is provided in Watanabe of the use of a printhead carrier to select one of the first sheet picking mechanism and the second sheet picking mechanism, nor is there disclosure of a selector device configured to select one of the first sheet picking mechanism and the second sheet picking mechanism based on a position of the printhead carrier.

In determining whether obviousness is established by combining the teachings of the prior art, “the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art,” and the combined teachings of the prior art references must suggest, expressly or by implication, the improvements embodied by the invention. *In re GPAC Inc.*, 35 USPQ2d 1116, 1123 (Fed Cir. 1995). The improvement of providing a

printhead carrier system and a selector device configured to select one of said *first sheet picking mechanism* and said *second sheet picking mechanism* for picking a sheet of print media based on a position of said printhead carrier simply is not addressed by any disclosure, teaching, or suggestion in Deschamps, et al. in view of Watanabe.

For at least the reasons set forth above, it is respectfully submitted that claim 1, and claims 5 and 6 dependent therefrom, are allowable in their present form. Accordingly, it is requested that the rejection of claims 1, 5 and 6 as being unpatentable over Deschamps, et al. in view of Watanabe be withdrawn.

With claim 1 being allowable, it is respectfully requested that the objection to claims 2-4 and 7-10 be withdrawn.

Applicant believes that the present application is in condition of allowance in its present form, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

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